

A photograph of a white lighthouse with a red-tiled lantern room, situated on a dark, rocky cliff. The sky is a deep blue, and the sea is visible in the distance. The lighthouse is illuminated from within, casting a warm glow.

HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

**ABDUL HASEEB ANSARI
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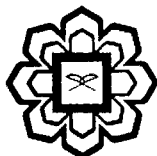


HARMONISATION OF THE *SHARĪ'AH* AND CIVIL LAWS (PERSPECTIVE AND PRACTICE)

EDITORS

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1. Introduction

In the world of today when moral standards are fast deteriorating and this degeneration is eating away the very vitals of human society and ideals, it sounds simply illogical for the Western jurists to go on insisting that “law” has nothing to do with “morals,” which should form part of personal affairs of an individual, and such should not be legally enforceable. Nothing could be more self-deluding than this, seen in the context of moral decline in today’s world. The former Prime Minister of Malaysia, Dr. Mahathir Muhammad, strongly supports the renewed reliance on morals in legal as well as social dealings, and says:

The strength of any society lies in its ability to weave its moral and ethical standards into its cultural fabrics. In the increasingly liberal world in which we live, the role of morality and ethics has become even more important. This is so because liberalism reduces the rigidity of rules, customs and laws which in the past regulated people’s behaviour.¹

The separation of law and morality, initiated and nurtured by the Western legal system, has achieved nothing except pushing the man away from metaphysical control over his reason, discrediting all supernatural phenomenon and sacred symbols, and ending up in “defatalization of history”, i.e. turning his attention away from the world’s beyond and religious determination of the symbols of cultural integration.”² Secularization represents disenchantment of nature, that is freeing of nature from its religious overtones, the desacralization of